

THE CLARION.

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APPOINTMENT by the Governor, Mr. Robert Powell of Madison, Trustee of the Agricultural and Mechanical to fill the vacancy occasioned by the death of Mr. J. M. Causey.

The Governor could not have made a better selection. The appointee is a talented and public-spirited young man, thoroughly imbued with the progressive spirit of the times and alive to the strictly utilitarian objects the A. & M. College was designed to promote. A lawyer by profession, his early training was on the farm, and he has remained practically identified with the parent of agriculture. So far as his connection with the institution as Trustee extends, its welfare will be faithfully guarded.

The Louisville Exposition.

The following commissioners have been appointed by Gov. Lowry to represent Mississippi at the Louisville Exposition which will open on the 1st of August and continue one hundred days: Lock E. Houston, of Monroe; Put. Darden, of Fayette; F. C. Morehead, of Warren; T. J. Hudson, of Benton; A. A. Ulman, of Hancock; W. W. Stone, of Washington; S. S. Carter, of Holmes; and Rufus T. Learned, of Adams.

HON. JEFFERSON DAVIS is rapidly recovering from his severe attack of bronchitis brought on by a severe cold.

HON. ROBT. POWELL, Chairman of the Democratic Executive Committee of Madison county, requests the Committee to meet at Canton on Monday, June 4th, 1883. He asks a full attendance as business of great importance will be transacted.

FOUR Representatives from Alabama, Messrs. Forney, Hewitt, Shelby, and Williams are supporters of Mr. Randall for Speaker. A statement is going the rounds of the press stating that two Mississippi members will support him, but their names are not given.

In the appointment of Gen. S. W. Ferguson, of Mississippi, a member of the Mississippi River Commission, President Arthur has performed an unpatriotic and most commendable act. Gen. Ferguson will bring to the performance of the trust qualifications of the highest order.

REV. DR. GALLOWAY, of this city, will deliver the Annual address at the ninth Commencement of the Kosciusko Male and Female Institute, June 11th, 8 P. M. Rev. Dr. Sullivan, of Oxford, will deliver the baccalaureate discourse on Sunday, June 10th.

THE Governor of Louisiana has called a Convention of the river parishes on the 18th of June, for the purpose of advising such measures as they may deem proper, with a view of maintaining, repairing and building levees, introducing a practical system for preventing and closing crevasses and for the general improvement of the navigation of the Mississippi river.

The presence of United States marshals and supervisors and the apprehension of their interference, at elections, is the motive assigned for the additional expense and trouble of annual elections. The law authorizing such interference is unconstitutional, and contrary to the traditions of our government. It ought to be repealed.

HON. PROCTOR KNOTT has been nominated for Governor of Kentucky. He has been a member of Congress eight years, and was Chairman of the Judiciary Committee by appointment of Speaker Randall. He is a progressive Democrat and a man of ability. His friends in putting him in nomination, claimed credit for him for having stood with the minority (of which our own O. R. Singleton was a conspicuous part) in opposition to the Electoral Commission Villani, by which the people were robbed of their choice of President in 1876, and also for having opposed those enormous land grants, whereby the public domain has been squandered and corporations enriched.

COL. MANNING has had an "interview" on the Chalmers-Manning contest, to which Gen. Chalmers has replied. For information upon a question of public interest, we will publish both papers in our next issue, and follow them up with such additional contributions as the parties may make. Incidentally, a wordy war growing out of a minor matter, having no relevance to the main issue, is progressing between Gen. Chalmers and Col. Galloway of the Appeal, in which they have bewildered their readers in howling labyrinthine abusive sentences. We will steer clear of them, however, and pay attention only to the issue of public concern.

DIRECTLY IN POINT.

In another column we have published an abstract of the decision of the Supreme Court of the United States, settling, if it was not before settled, that the authority of the State is paramount to Railroad companies in fixing fares. There were two cases decided, both involving similar conditions, and it is only necessary to quote one of the decisions. The matter has been over ten years in litigation. On the 18th of March, 1873, Morgan A. Lewis, a passenger on a train of the Chicago Burlington and Quincy Railroad Company, tendered Neal Ruggles, a conductor of that company, eighteen cents for his transportation from Buda to Neponset, a distance of six miles. This was at the maximum rate of three cents per mile, prescribed by the statute of Illinois then in force. The conductor demanded twenty cents, which was the fare fixed by the railroad company. Lewis refused to pay more than eighteen cents, and the conductor, therefore, attempted to eject him from the car. For this act the conductor was prosecuted before a justice of the peace upon a charge of assault and battery, and was fined ten dollars and costs. The case was then carried up through the State courts by successive appeals, the railroad company sustaining the conductor, and raising the question of the right of the State to interfere with its business by fixing rates of fare and transportation. A decision was finally rendered in favor of the State by its highest court, and the railroad, therefore, appealed to the Supreme Court of the United States, upon the ground that the act of the General Assembly of Illinois of April 15, 1871, fixing a maximum rate of charges for the transportation of passengers in the State was unconstitutional and void, because it impaired the obligation of the contract contained in the charters of the various companies which were merged into the Chicago, Burlington & Quincy Railroad by consolidation. In its decision the Supreme Court holds that the power of the State to control a railroad corporation which it has created, in the matter of freight and passenger charges, is paramount and that the clause in the charter giving the right to fix its tolls could not deprive the State of its controlling power.

This decision is the supreme law and must be enforced. It will be seen that the decision covers, and completely overturns, the ground on which the Barry Bill was opposed and vetoed in this State in 1878. The ground of opposition to that bill was that the power to fix and regulate its own rates of fares and freight, was invested in each railroad company then operating in the State, by provision of its charter. The highest judicial authority in the United States says this provision does not interfere with the State's right of control. The readers of THE CLARION will note how entirely in accord with this decision is an editorial in the paper of May 18th, 1878, entitled "The Barry Bill—the Supervisory Power of the Legislature over corporations." We were then severely criticised. Five years have rolled away, and behold how triumphantly we are vindicated. In no spirit of self-glorification but to impress on the public mind the vital truths therein contained, we will reproduce the editorial of that date:

From THE CLARION May 15, 1878.

If the position of a correspondent of this paper is correct, that the Legislature is estopped from passing a law regulating or restricting freights and fares of the Railroads in this State, on the ground that their charters invest them with plenary power to establish such tariffs of charges as they may prescribe, without restraint from any quarter, the clause in the platform adopted by the Democratic Conservative State Convention of August, 1877, declaring that "Corporations are superstitious by the Legislative authority," is a nullity—mere *brutum fulmen*. For one, we are not prepared to permit judgment by default to be taken against the people, and the doctrines of our party deliberately adopted, in this summary fashion.

Our correspondent has told us that "lawyers are all familiar with that provision of the Constitution which prohibits any State from impairing the obligation of contracts." He might have given the remark a wider scope and said that every intelligent person in the land, no matter what his profession, is fully aware of the same fact. But it is not every lawyer, nor every intelligent reader of the Constitution, who will jump to the conclusion, that the clause in question can be cited in support of the position assumed by him in opposition to the principles upon which the "Barry bill" is founded. The preamble to the United States Constitution declares its object to be "to establish justice, promote the general welfare, and secure the blessings of liberty" to the people. The Constitution of Mississippi, in force at the time these charters were granted, declared that "no man or set of men are entitled to exclusive, separate public emoluments, or privileges from the community but in consideration of public service." No vested right can be created in contravention of these fundamental provisions of the supreme law of the State and of the United States. To say that a sale by one Legislature of the indefeasible right

of the people as here asserted, is to be perpetually binding and unalterable by all succeeding Legislatures, on the ground that there is "a contract" in the case, is the sum of all tyranny. A "contract" which does not conform to these constitutional provisions is a fraud on the people, and fraud vitiates all contracts. A claim cannot be set up for the perpetuity of a privilege which is abused and exercised for the destruction of the rights of those who granted it. If, as declared by our correspondent, the Legislatures of 1846, '48, and '52 invested the Companies by them chartered "with the power to fix, regulate and receive the toll and charges for transportation of persons and of property," the rule that the privilege should not be abused for the purpose of extortion and discrimination entered into and became an inseparable condition of the "contract," else the language of the Constitutions of the State and the United States above quoted, is a delusion and a snare.

As all legislative power is derived from the People, who but the People, through their Legislature, is to determine when the trust is violated? The power cannot be destroyed while the government remains and the constitution lasts. Judicial authority is not wanting in support of this doctrine.

Here follows a long array of authorities in support of the foregoing proposition.

The editorial concludes as follows: Nothing can be plainer. What we contend for, and shall maintain, is that the Legislature elected by the People shall exercise "the powers of government inherent in every sovereignty," as here defined, and we reject as utterly monstrous the theory that any previous body of men has deprived it of this sovereign right. A large number of the States have exercised the power of regulating freight and fares for the protection of the public—for the common good," as the learned Chief Justice expresses it, and their laws are consecrated by the sanction of the highest judicial tribunal in the land. Are we to accept the doctrine that Mississippi alone stands manacled, deprived of the power of protecting her People from the exactions of corporations, however exorbitant and unjust? Is she irrevocably and indelibly tied to the body of such a death? God forbid.

Hon. S. J. Randall.

In another column we have copied an article from the Aberdeen Examiner, subjoined to, and elicited by, a brief editorial in THE CLARION with the above caption. In justice to ourselves and to avoid the possibility of being misunderstood, it is proper we should say that the editorial in THE CLARION relating to Mr. Randall was not designed to commit any Representative in Congress from Mississippi to support him in caucus for Speaker, upon any probable—we might say, possible—contingency. In plain words, it was not intended as a commitment on that subject at all. We were addressing ourselves to the vindictive and unreasoning assaults upon him, by certain prominent journals with the apparent, if not real, purpose (if not of hounding him out of the Democratic party,) of impairing his influence and disaffecting his large and powerful following when harmony is absolutely essential to success in the approaching Presidential election. Referring to the Speakership, we said, "It is one thing, and a very proper thing, for those who are not in accord with Mr. Randall on the Tariff, to oppose his election, if they can find another more to their liking—but to assail him with abuse and misrepresentation is quite another." And again—that he was "further removed on the Tariff question from the strictly revenue reformer, than we would like."

Believing a reduction of the Tariff a matter of paramount consideration, we cannot, with our friend of the Examiner imagine a contingency which would "sink it into insignificance" by the side of any other issue; but there is neither reason, nor justice, in singling out Mr. Randall for ostracism, because he has looked to the interests of his immediate constituents in the adjustment of the Tariff—when the Senators and Representatives from Louisiana, Alabama, Georgia, Texas, West Virginia, North and South Carolina, Delaware, California, Maryland and nearly everywhere else are doing the same thing, and still are held up as irreproachable lights of the party. For example, Voorhees of Indiana is an avowed Protectionist for the sake of protection, and Mr. Brown of Georgia, is almost as bad. Look at the defiance which the plain-spoken Senator from Maryland (Mr. Gorman) flung in the teeth of his associates? "There is scarcely an interest in any State from Maine to Texas or from Maryland to California, but each Senator representing that State has voted for it." Mr. Harris of Tennessee objected to the sweeping declaration, and Mr. Gorman replying, said: "If there be an exception, it is the Senator from Tennessee." One or two others, faintly protested, but were promptly silenced by the Marylander. The rest virtually admitted the impeachment.

When the rule of orthodoxy is raised high enough to exclude from Democratic fellowship these presumably representative men, we will consent to the ostracism of Mr. Randall—not before.

The small pox is raging at Jacksonville, Florida.

Grange "Politics" (So-Called).

We have probably said enough to show that the Claiborne county Grange in declaring that corporations are superstitious by legislative authority, and that the power should be invoked in the interest and for the protection of the People, did not take a new departure, but was simply treading the path which the Order marked out years ago. As some of our contemporaries seem to be utterly ignorant of its history, in addition to what has been heretofore adduced for their information, we will give them more light. At the annual meeting of the National Grange in 1882, a report was presented by a Special Committee which had been appointed to confer with the Congressional Committees on Commerce with the view to secure legislation on this very subject of Corporation Supervision. From this report we will copy the following extracts:

In compliance with a request of Worthy Master, Woodman, of the National Grange, through Brother Armstrong, of the New York State Grange, the undersigned appeared before the Commerce Committee of the House of Representatives in March last to urge upon that body the necessity of regulating by law transportation through and between the several States of the Union; and beg leave to submit the following report upon the subject:

That Congress possesses constitutional authority on this subject, under the delegated power to regulate commerce between the States, is not denied. That the best interests of the people demand that this authority shall be exercised, the history of railroad transportation in this country abundantly proves. In demanding this legislation we emphatically deny hostile intent towards the railroad interests of the country, which have grown with marvelous rapidity to almost fabulous magnitude within the last few years. We realize the indispensable necessity of railroads, and freely admit that they have been and are of great benefit to every section of our common country.

After commenting upon the benefits of railroads and disclaiming hostility to them, the report discusses the necessity of protecting the public from overcharges, discriminations, etc., and adds:

To correct these abuses and restrain corporate power, legislative authority is invoked. Just and equitable laws should be enacted that will protect popular rights without doing violence to individual or corporate interests. Railroad commissioners should be appointed by the Federal and State Governments to see that these laws are enforced. The purpose of the law and the endeavor of all good citizens should be to avoid antagonisms and harmonize the interests of all departments of the business of the country. We believe these objects would be substantially secured by the Reagan bill, and we there urged its adoption with such force and arguments as we could command, but all arguments and appeals fell upon deaf ears. The committees were nearly solid in the railroad interest, a majority of whom were stockholders in, or attorneys for, these corporations. But we do not despair of ultimate success in railroad transportation reform. The sense of public justice will not always slumber, and when fully aroused the people will surely provide a remedy for public wrongs and a protection for popular rights.

We need not repeat that this grave question was not considered by the National Grange from a partisan standpoint, nor with reference to its bearing upon political parties. It is no more liable to the charge of entering the political arena by having declared this doctrine, than the Supreme Court of the United States which has again and again placed upon it the stamp of its approval.

The declaration of principles of the National Grange "emphatically and sincerely asserts the oft-repeated truth taught in its organic law, that the Grange is not a political organization." At the same time, it says: "We must always bear in mind that no one by becoming a Patron of Husbandry gives up that inalienable right and duty which belong to every American citizen to take a proper interest in the politics of the country."

MR. H. C. CONN, Chairman of the Copiah county Democratic Committee, by order of the Committee, has called a Convention to meet at Hazlehurst, July 16th, to nominate candidates for county officers; to appoint delegates to the State senatorial convention, and judicial district convention.

Each precinct of the county to meet on Saturday the 14th day of July, 1883, at 11 o'clock A. M., at their several voting places, and elect their delegates to the county convention.

Each precinct to elect one delegate for every fifteen votes cast at last Presidential election for Hancock, and for fraction over half of fifteen, one additional delegate.

THE New Orleans press are paying eloquent tributes to the memory of the eminent physician, Dr. J. D. Burns, who died in that city, on the 20th, aged about fifty years.

NEW ALBANY DEMOCRAT: Col. C. S. Robertson is a candidate for a seat in the lower branch of the Legislature. Col. Robertson represented Union and Pontotoc four years ago, and made a splendid record as Representative. He is so well known to the people, that he needs no introduction at our hands.

A Mistake.

The American Register, is a very able paper, published with endorsement of its orthodoxy by a number of prominent Democratic Senators and Representatives, and therefore it should aim at strict accuracy in its statements. It attributes the Democratic defeat in 1880, to two blunders—one, which it calls "the unwise attempt to change the position of the Democracy on the Tariff"—the other, the "unfortunate nomination for Vice-President." It is correct as to the latter; as to the former, it is entirely at fault. The "position" of the Democracy on the tariff, was not "changed." The allusion is to the declaration for a "Tariff for revenue only." If our Washington contemporary will refer to the Democratic platform of 1876, it will see that this is an almost literal copy of its language which was as follows, "We demand that all custom-house taxation (viz. the Tariff) shall be for revenue only." On this explicit declaration of principle, the Democracy won the battle in 1876. Unfortunately, many of their trusted leaders conspired with the defeated party to devise the method by which the victory was lost; but that does not overthrow the irreversible fact that it was won on a "Tariff for revenue only" platform.

The Federal Election Laws.

We have said that one of the duties of the next Congress will be the repeal of certain obnoxious clauses of the federal election laws which have afforded a pretext for the prosecution of citizens for political causes, and in virtue of which, Mr. Manning, Democratic nominee for Congress, in the Second Mississippi District, alleges that he was defeated in the late election. Our remark has awakened painful apprehension with the Vicksburg Herald that a bill will be introduced in the next Congress repealing the objectionable sections. Our contemporary thinks such a movement will be the height of indifference because the Senate and the Executive are both Republican. It forgets that the same objection will preclude an attempt of Revenue Reformers to repeal the odious features of the Tariff law; or, indeed, to correct any of the abuses which the Democracy are pledged to reform. The Herald cites the reverses which followed the movement of the Democrats in the Twenty-sixth Congress to repeal the supervising laws; but it forgets, that the Democrats made the repeal of those laws the condition of passing the appropriation bills which were necessary to carry on the government. It was this indiscreet and revolutionary proceeding, and not the simple motion to repeal, which alarmed the country and gave the Republicans the advantage.

Our well posted contemporary ought to remember that the law authorizing the repeal of the test oath to United States jurors was repealed at the instance of a Democratic House, though the Senate and President were Republican.

A motion to repeal objectionable laws is always in order, and unless coupled with revolutionary conditions, it furnishes no pretext for uproaring the country.

The Democrats are not wholly united on the Tariff question, but the Revenue Reformers will move in force against the existing law. They may differ on other important questions, but on the one question of repealing the sections of the federal election laws which interfere with the constitutional right of the States to conduct elections, which provide for the appointment of Supervisors to act as spies and detectives upon State officers—and which arm United States Marshals and their deputies with arbitrary power over citizens in elections—the Democrats, so far as our knowledge extends, are "solid"—unless, perchance, our perverse friend of the Vicksburg Herald, working by the rule of that lone, lorn creature, Mrs. Gummidge, is on the other side: "Everything is contrary with me, and I go contrary with everybody."

THE Vicksburg Herald wants Congress to pass a Railroad Supervision law for all the States. The corporations which the Herald has taken under its wing, don't see it. They have fought as desperately against the attempt of Congress to prevent them from conducting their "own business in their own way," as against State Supervision.

HON. WHARTON J. GREEN Congressman elect from a North Carolina District, publishes a communication in the Fayetteville Observer, over his initials, indicating his preference for Hon. S. S. Cox of New York for Speaker, in consideration of his democratic orthodoxy and soundness on the "tariff for Revenue" question.

SOME one on reading the civil service rules says they will shut out from office many an upright man, while opening the way for scheming and dishonest snuffers. They are simply ridiculous.

WE have heard with profound interest that Capt. W. M. Brame, of Jackson, been killed in a street fight. We learned the cause and circumstances of the affray, and therefore we presume to say where the blame lies, the taking off one of the best, noblest of men—a good citizen, a husband and a tender parent. Several consecutive terms, he had been in the office of Sheriff, and a hold upon the confidence of the people which nothing could shake. Common with them all, we mourn his death.

After the foregoing was received the Meridian Observer containing the following particulars: The trouble grew out of the robbery in the sheriff's office, on the preceding January 1st, 1883, in which it was asserted Brame lost the funds. Brame had charged a fine investigation, however, concerning the trouble seems not to have been with this, and bad blood has existed both sides. One account that from a gentleman who was a witness, says there was no preliminary trial, but the parties drew their weapons and commenced firing simultaneously. The explosions were so close that it was impossible to tell who the first shot. Ten shots were discharged. Brame was struck through the ball entering the right side of the heart; he died in five minutes. The parties were separated, and were audibly, except to say, "I am dead." Brame was struck in the left immediately, and has since been of the way, but a letter was from him Saturday, in which he said that he would return in a few days to kill Brame, but it was not his fault as for a forfeit he is willing to give but desires public opinion to be calm.

It is related that an Ohio legislator whipped a man the other day for him how he could afford to build a 6000 house on an annual salary of \$1000 and a contemporary suggests the legislator understands how to operate railroad magnates' jack-pot, and be sent to Congress immediately. A man, Blaine and others who were Congress poor, have become millionaires and live in brown-stone palaces.

THE General Assemblies of the great Presbyterian bodies, the Northern and Southern Churches, met last week at the Northern at Saratoga Springs, and the Southern at Lexington, received and courteously welcomed "Fraternal Messengers," though progress was made towards communion.

GEN. JOSEPH GORGAS, President of the Alabama University, died on 14th. He was chief of the Ordnance Bureau in the Confederate Government.

An exchange thinks it is inconsistent and unjust for the United States government to keep a guard of soldiers duty at ex-President Garfield's while no guard is kept over ex-President R. B. Hayes, who is twice as old as Garfield.

THE General Assembly of the Presbyterian Church South is in session at Lexington Kentucky. Rev. Theodore Pryor (father of Gen. Roger A. Pryor) eighty years of age was chosen moderator by acclamation.

SAILED from Ship Island on the Norwegian bark Valkyria, for Sweden, Holland, 800 tons, loaded with Mississippi lumber.

THE Picayune says that "free trade" was left out of the Kentucky platform. "Free trade" was, but "Tariff for Revenue only," was not left out, as Picayune will learn by taking a second look.

It is shrewdly asked if Georgia should raise 7,500,000 watermelons, will the farmers of that State get any cotton picked?

THE Meridian Mercury announces the death of a child of Rev. Mr. Norwood, and says what almost every husband and wife has sadly realized, that a little girl makes a big and an aching void within it.

THE Financial Chronicle of last week contains a report of the earnings of fifty-eight railroads for April, as compared with those for the same month of 1882. Of the roads reported, fourteen show decreases and forty-four have increases. It is a coincidence that the increase is largest in the States that have adopted supervisory legislation.

THE Tennessee Legislature recently created a Railway Commission. The act by which the office was instituted provides that all of the railways in this State shall furnish free transportation to the Commissioners. As a personal courtesy the several railroads have offered passes to the three Commissioners, but the Commissioners have declined to receive them in that way.